Section 2.0 Development Planning Component

This section describes actions taken by the City during FY 2009-10 reporting period to minimize the short- and long-term post-construction impacts of new and redevelopment projects on receiving water quality and other environmental resources. This includes activities related both to land use planning controls, and the site-specific conditioning of development and redevelopment projects in the City.

2.1 Land Use Planning

The City's land use planning process facilitates the reduction of development project discharges of pollutants from the MS4 to the MEP, the prevention of development project discharges to the MS4 from causing or contributing to a violation of water quality standards, and of increases in runoff discharge rates and durations from development projects that are likely to cause increased erosion of stream beds and banks, silt pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force. The water quality staff works closely with engineering staff in these efforts, presenting a united, collaborative process to developers.

The City's land-use planning process consists of development and implementation of the following documents:

- General Plan
- Jurisdictional Urban Runoff Management Plan
- SUSMP
- Municipal Code, which includes the City's Development Code, Grading and Excavation standards, and all Stormwater regulations

The utilization and regular update of each of these documents enables the City to successfully conform to the requirements of section D.1 of the Municipal Permit. The following sections will describe the City's land use planning process and the four planning documents in more detail.

The City of Lemon Grove was incorporated in 1977 from the County of San Diego. The City's General Plan was adopted in 1996 and is currently undergoing an in-depth review and amendment process. The City's JURMP, Stormwater Ordinance and SUSMP were originally developed and adopted under Order 2001-01 in 2002-2003. These documents have been reviewed and updated under the new Order 2007-01.

2.1.1 Source Characterization

The City addresses eleven major land use categories in its General Plan:

- Low density residential
- Low/medium density residential
- Medium density residential
- Medium/high density residential
- Mixed use
- Retail commercial
- General Business
- Industrial
- Parks and recreation
- Transportation
- Special treatment area (STA)

The General Plan also recognizes eleven zoning categories:

- Residential low
- Residential low/medium
- Residential medium
- Residential medium/high
- Residential professional
- Central commercial
- General commercial
- Limited commercial
- Heavy commercial
- Light Industrial
- Special treatment area (STA)

Each of these land-use and zoning categories is associated with different combinations of pollutants and activities that have the potential to negatively affect the surrounding environment. A detailed discussion of the potential threats to water quality associated with existing residential, commercial, industrial, and municipal land uses can be found in their specific sections of this report.

Through the implementation of the land use planning policies, procedures, and requirements established in the General Plan, JURMP, Municipal Code, Grading Ordinance and SUSMP, the City aims to reduce the potential for pollutant discharges from all planned development and redevelopment land use sources.

2.1.2 Best Management Practice Requirements

For each development project proposed, the City requires the builder and owner to consider BMP implementation from the beginning of the project. Attachment H-1 shows the form that is presented to each applicant regardless of project size.

This initial step makes water quality important from the on-set of the project, and each consecutive step further emphasizes the importance of water quality improvements for pre- and post-construction.

The City encourages all new and re-development applicants to explore such options as tot-lots, on-site detention basins, infiltration ditches, and on-site landscaping to ensure that water quality is improved, the natural environment suffers less, and less maintenance is required. The City requires sites to treat for pollutants of concern to the MEP. The City recommends that its applicants utilize the BMP handbooks created by CASQA to explore the best option for each particular project. The handbooks are available on-line at www.casqa.org. CASQA is a valuable resource for both the City and the developers.

To date, jurisdictional and project-level planning tools have been largely under-utilized because stormwater management is often viewed as an engineering issue by developers. As a result, many site-design solutions rely significantly on structural treatment controls like detention basins and mechanical treatment devices, which can be expensive and maintenance-intensive. In most cases, it is easier and cheaper to keep pollutants out of stormwater by designing the pollutant source out of the project, while simultaneously preserving the site's natural filtration capacity. Through a series of updates and reviews, the City is working to include low impact development concepts through-out the applicant review process and in its codes and regulations, specifically the General Plan.

2.1.3 Program Implementation

The Water Quality Program Coordinator is available for consultation during any phase of the project. The Coordinator plays a vital role in the pre-application phase of development by ensuring that all proposed projects incorporate water quality measures. This is done mainly through interaction with the developers and project engineers, but also involves written assessments of the project designs and any water quality documents. The assessment occurs multiple times before the applicant is permitted to submit a complete proposal. This process lengthens the pre-proposal phase, but improves the final approval phase. The Planning Commission knows that all issues have been dealt with prior to the approval hearing and that City staff has ensured a minimal environmental impact.

2.1.3.1 General Plan/Municipal Code/SUSMP

As a component of the 2008 JURMP update (conducted during FY 2007-08), an assessment of the City's General Plan and Municipal Code were conducted to determine the City's consistency with the watershed protection policies and principles found in the Permit. The analysis found that the City's General Plan goals and policies are consistent with the Permit and that no amendments to General Plan were required as a direct result of the JURMP update. The

General Plan discourages the use of large amounts of connected impervious surfaces, requires a landscape minimum, works to protect environmental sensitive areas, and prohibits development near or in a known watercourse. However, the City's General Plan is currently undergoing a comprehensive review process with plans for amendments occurring over subsequent reporting cycles. The City plans to ensure that each area covered in the General Plan contains environmental and sustainable options and concepts. Low Impact Development ideas will be presented and encouraged throughout the document. The City's General Plan is meant to cross reference and openly comply with the City's Municipal Code and all other pertinent development documents.

The City's General Plan serves as the blueprint for the long-range, orderly, physical development of the City. The Development Code section of the Municipal Code contains all zoning and land use requirements and stipulations. These two documents together are designed to protect the City's environmental, social, cultural, and economic resources as the City develops and redevelops.

The Municipal Code did undergo a lengthy review and amendment process due to the issuance of Order 2007-01. Section 8.48 Stormwater Management and Discharge Control was broadened and made more comprehensive. A BMP specific section was added, Section 8.48.060-110. Section 8.48.140 contains regulations for all land development and redevelopment projects and Section 8.48.150 contains BMP maintenance requirements. All of these additional sections, strengthen the City's water quality program by providing a legal basis for implementation and enforcement. During the review process, the City decided to also include the SUSMP as a Municipal Code section, Section 8.52 now contains the City's SUSMP document. This section will be further updated during the next reporting period with the approval of the new County-wide SUSMP document. During this reporting period, the City collaborated with the Copermittees to create the final draft SUSMP, which was then turned over to the Regional Board for review and approval.

2.1.3.2 JURMP

In compliance with Order 2007-01, the City's JURMP document underwent a major update during FY 2007-08. This update process was continued after receiving comments from the Regional Board in early 2009. The JURMP document serves as the City's foundational storm water program management tool, capturing the developed process, procedure, and implementation strategies for described elements. The purpose of this document is to present an integrated approach to reducing the discharge of pollutants from the MS4 to the MEP, and to protect and improve the quality of water bodies in Lemon Grove.

2.2 Environmental Review Process

As part of the 2008 JURMP update, the City evaluated its environmental review process and confirmed that the current process accurately evaluates water quality, cumulative impacts, and identifies appropriate measures to avoid, minimize and mitigate those impacts for all development projects.

The California Environmental Quality Act (CEQA) requires environmental review of discretionary applications for development projects. Environmental initial studies are conducted to determine whether the project may have a significant impact on the environment. This review process evaluates a project's potential for significant impacts on water quality.

The environmental review process ensures that a project's impact on water quality is addressed early in the planning process. If a project is determined to have a significant environmental effect, mitigation measures are required under CEQA to avoid or reduce the effect to below a level of significance. The mitigation measures will normally take the form of adopted permanent Best Management Practices to be incorporated into project plans prior to discretionary approval.

2.3 Development Project Approval and Verification Process

As discussed previously, the City has an established multi-departmental review process for all new development and redevelopment projects. By using all of the above mentioned regulations, the City aims to mitigate the negative impacts of urban runoff from development projects to the MEP. Each proposed discretionary and ministerial project is subject to the City's development approval process. The following sections describe this process in detail.

2.3.1 Source Characterization

As discussed above, development projects have the potential to discharge different types and amounts of pollutants based on the project's size and intended land use. Pollutants such as trash and debris are anticipated from all developments, regardless of land use; however, pollutants like bacteria and viruses are more likely to originate from restaurants and residential developments, whereas grease and oil are more likely contributed by parking lots and automotive repair shops. Since the potential for a site to discharge pollutants is unique to each development, the City's design requirements for development projects vary according to size, project characteristics, and anticipated land use.

The City's SUSMP, which was updated and added to the Municipal Code during FY 2007-08, describes specific categories for priority projects and indicates common pollutants associated with each category. A priority project must

identify the potential pollutants anticipated from its development and implement design concepts and other BMPs to address these pollutants.

In the City, all development projects, including building and ministerial permits are required to implement minimum BMPs. These BMPs include construction BMPs and good housekeeping practices. Discretionary projects, however, generally pose a greater potential threat to water quality and are subject to an additional set of BMPs and more intense scrutiny.

2.3.2 Best Management Practice Requirements

The City's minimum BMP requirements for all discretionary development projects are summarized here and are included in the City's SUSMP. All discretionary development projects are required to explore and implement where applicable the following principles:

- Source control BMPs that reduce stormwater pollutants of concern in urban runoff, including but not limited to storm drain stenciling and signage, properly designated and covered material and trash storage areas, and the use of efficient irrigation systems.
- LID BMPs that provide retention, slow runoff, minimize impervious footprint, direct runoff into landscaping, and promote water conservation.
- Grading and construction activities must implement all requirements outlined in the City's JURMP and Municipal Code.
- Submittal of proof of on-going long term maintenance for all structural post-construction BMPs.

SUSMP priority projects must submit a water quality document, which includes identification of potential pollutants from the project, proposed LID, source control and treatment control BMPs, and an attached maintenance agreement. The document must also include how the project will manage increases in runoff discharge rates and durations associated with the project. It is the City's policy to prevent permitted projects from increasing the runoff coefficient that eventually enters the City's MS4. Both the water quality document and hydrology report must provide retention and detention details for any runoff increase due to the development or redevelopment of a site.

2.3.2.1 Hydromodification Management Plan and Interim Hydromodification Criteria

To reduce the negative impacts to beneficial uses and stream habitats that are attributed to increased runoff rates and in compliance with Order 2007-01, the City is currently collaborating with the other Copermittees to adopt a detailed Hydromodification Management Plan (HMP).

The final draft HMP was submitted to the Regional Board at the end of this reporting cycle and will be approved and integrated into the City's program during the next reporting cycle. However in FY 2007-08, the City established interim hydromodification criteria that will be in effect until the final HMP is approved by the Regional Board and adopted by the City. The City requires all priority projects disturbing 50 or more acres to comply with the interim hydromodification criteria, except those sites that are considered exempt as per Section D.1.(g)(6) of the Permit. These interim requirements are consistent with the regionally adopted interim hydromodification standards. The City of Lemon Grove is a small developed community and does not anticipate any projects during the following reporting period that will meet these criteria. The City also connects almost exclusively to concrete channelized streams at its borders and does not anticipate frequent projects subject to future hydromodification requirements.

The City does not issue permits to development projects until all minimum BMP requirements are met. Any changes made to the development project's proposed stormwater BMPs during project construct must be reviewed and reapproved by City staff before being implemented.

2.3.3 Program Implementation

As required by the Permit, the City has implemented a program to ensure that development and redevelopment projects comply with post-construction BMP requirements, including Low Impact Development (LID), source control, and treatment control BMPs. The Permit further requires the City ensure proper installation of treatment control BMPs and their maintenance into perpeturity through such procedures as BMP verification, maintenance agreements, and annual inspections.

The following sections provide an overview of the City's SUSMP implementation practices and tracking during FY 2009-010.

2.3.3.1 Model and Local SUSMP updates

As a part of the 2008 JURMP update process, the City updated its current SUSMP document to meet the interim requirements outlined in the Permit. The City's update followed the recommended language developed by the regional SUSMP update group. All required interim SUSMP updates were incorporated into the Municipal Code. In compliance with the interim SUSMP update standards established in Order 2007-01, the following tasks were performed during the review and interim update of the SUSMP:

- Priority project categories were updated
- The document was reviewed to ensure no obsolete or ineffective BMPs were retained

- ❖ LID requirements and additional source control requirements were added to meet or exceed Permit requirements
- ❖ LID BMPs that can be used as treatment control BMPs were added to appropriate tables and discussions of treatment control options were updated accordingly
- ❖ Pollution removal efficiencies of treatment control BMPs were reviewed and updated where necessary

In addition to the changes discussed above, a comprehensive model SUSMP update was completed by a regional workgroup during FY 2007-08. The comprehensive model SUSMP update includes the following as required by the Permit:

- ❖ Inclusion of LID, source control, and treatment control BMPs that meet or exceed the minimum requirements of the Permit
- ❖ Establishment of siting, design, and maintenance criteria for each LID and treatment control BMP listed in the model SUSMP
- ❖ Addition of criteria to help determine conditions where implementation of each LID BMP included in the model SUSMP is applicable and feasible
- ❖ Addition of a requirement for priority projects with low traffic areas and appropriate soil conditions to use permeable surfaces
- ❖ Addition of any necessary restrictions for infiltration BMPs from priority projects that generate high levels of pollutants

The City adopted the new Model SUSMP during this reporting period. The SUSMP includes a review process to verify all proposed BMPs for priority projects meet the criteria designated in the updated local SUSMP.

The City will also incorporate a Hydromodification Management Plan (HMP) into the City's local SUSMP during the next reporting period. The HMP was developed by a consultant and regional workgroup during this reporting period and the draft HMP was submitted to the Regional Board for approval.

2.3.3.2 Development Project Approval Process

The following includes a summary of the City's current development review process.

Discretionary Projects

Projects requiring a discretionary review are subject to an in-depth review by City staff. During the first submittal or pre-meeting, it is determined if the project is a SUSMP priority project and if a water quality document will be required. The project is reviewed by engineering, planning, sanitation, building, and water quality staff; through all permit phases. After review at the City, the project is reviewed by the City's Planning Commission and conditions of approval are set

for the project and approved by the City Council. These conditions require the applicant to uphold all proposed water quality measures and any changes are subject to review and approval by City staff and potentially the Planning Commission and City Council depending on the significance of the changes.

The City of Lemon Grove requires applicants to complete their water quality documents at the time of discretionary review and approval. During this process, the applicants and their engineers are guided by City staff to provide adequate post-construction BMP facilities and to document those facilities on the site plans and documents being submitted. This process results in better designed, more comprehensive, post-construction BMPs since the facilities are included in the project design even in the earliest phases of the project. Each applicant who prepares a water quality report for a priority project is provided a self checklist to assist in their report preparation. This checklist provides the applicant with an outline and details pertaining to the requirements of the SUSMP and the Permit for BMP implementation and sizing.

All hydrology reports and treatment control BMP sizing are done during this phase and are upheld through the remainder of the grading and building phase through the conditions of approval. The same City staff that performs the discretionary review also performs the grading and building permit reviews. This also maintains consistency throughout the review process and ensures the conditions of approval are upheld. City staff provides constant feedback and assistance to the applicant and their engineers through out this process and all additional permit processes. The City continues to discourage the use of mechanical treatment systems. Natural systems are easier and more cost effective to maintain in the long term, as well as encouraging landscaping and additional green space with little if any additional irrigation. All proposed BMPs must meet the standards set forth in the City's SUSMP document, which upholds the requirements put forth in the Permit. If the submittal is inadequate in any regard, approval is withheld and re-submittal is required.

Ministerial Projects

Grading, improvement plans and building permits are all ministerial permits, which means they only require the approval of City staff, not the Planning Commission or the City Council. However, if the project is not completed to staff's approval, no permits are issued and no actual work can be done on the project site. These projects are reviewed by all the same departments and staff as the discretionary projects. Lemon Grove is a small city and has a small staff, which allows the full spectrum of departments to be intimately knowledgeable about the projects being reviewed and any concerns pertaining to the project. If it is discovered that a ministerial project meets priority project conditions as per the SUSMP, all the requirements discussed above are applicable. No permits are issued by City staff until the project satisfactorily meets all of City staff's requirements, particularly water quality requirements.

All ministerial projects, except water heater installations and electrical wiring, are reviewed by water quality staff. Even if the project does not meet priority project standards, water quality staff reviews the project for LID concepts, proper drainage design, proper erosion control, and smart irrigation.

Post-Construction BMP Maintenance Agreements

All priority projects under review for permits must execute a stormwater maintenance agreement guaranteeing the maintenance and/or replacement of permanent BMPs as necessary into perpetuity. The maintenance agreement is recorded against and runs with the property. This ensures that all future owners maintain the permanent BMPs to the original standards and any changes require the approval of City staff.

Capital Improvement Projects

The City's Capital Improvement Projects (CIP) are subject to the same post-construction BMP requirements as private development. Because many projects are redevelopment, linear or repair projects, often only construction BMPs are necessary. However, SUSMP qualifying projects must also install post-construction BMPs. Priority CIP projects are designed to incorporate the City's SUSMP requirements and LID, source control, and treatment control BMPs will be implemented. The city takes responsibility for long-term maintenance and regular inspection of any installed permanent BMPs. Section 4 of this document provides a description of the City's MS4 maintenance and inspection program.

2.3.3.3 SUSMP Project Approval

During the planning process, the City reviewed eleven SUSMP projects during this reporting period. A list of those projects can be found in Appendix H4. All applicable SUSMP BMP requirements specified in the City's local SUSMP were applied to each of these projects. Under no circumstances was any priority project permitted to implement treatment control BMPs with low pollutant removal efficiency ratings. In addition, all of the development projects approved in FY 2008-09 were less than fifty acres in size; therefore none of the projects were required to meet Interim Hydromodification Standards. All treatment control BMPs met the treatment control BMP sizing requirements outlined in the City's local SUSMP; therefore, the City did not initiate a waiver mitigation program and did not issue any waivers of infeasibility during FY 2009-10. Depending on the date in which the project was reviewed and approved, conditional SUSMP requirements may vary as a result of the migration to the new Permit requirements and the required adoption of the new local SUSMP.

2.3.3.4 SUSMP Project and Treatment Control BMP Tracking

Over the past fiscal year, water quality staff worked to implement a watershed-based SUSMP tracking system. In the future, this tracking system will be transitioned to a GIS based system. However, it is currently only a tracking database. Since the City is predominately in the Chollas Creek watershed with only a small portion in the Sweetwater watershed, it is not difficult to track projects by watershed. The database tracks the following information:

- Type of treatment control BMP
- Location of the BMP
- Watershed within which the BMP is located
- Date of construction of the BMP
- Responsible BMP maintenance party information
- Owner information if different from maintainer
- Receipt of annual maintenance verification
- Inspection findings
- Corrective actions if necessary

The City is continually working to refine the database as more permanent BMPs are implemented and tracked. The City currently has less than 10 tracked BMPs, although several more are still in the proposal and review stage as evidenced by the priority project list. Due to the small number of permanent BMPs in the City, staff inspects all of them regardless of JURMP priority level. They are inspected formally on an annual basis, but frequently informally inspected when staff is in the vicinity. If, in the future, the number becomes significantly larger, the City will begin to utilize the priority rating to determine inspection frequency.

2.3.3.5 BMP Installation Verification Process

The City has always verified the proper installation of all permanent BMPs and LID components, which are similar to the site design elements of the previous Permit. The City continues this practice under the new Permit. Each project requires closing signatures from staff once construction is completed. This involves an on-site staff visit to verify the project was constructed per the plans and appropriate documents including any water quality reports, hydrology reports, and soil findings. If corrections are needed, staff does not provide a signature and can withhold that signature for as long as it is needed to gain compliance. Without compliance, the site cannot be used for its final purpose. If compliance is not reached within a reasonable amount of time, Code Enforcement proceedings are begun. Each project under goes frequent staff inspections during the construction as detailed in Chapter 3 of this report to ensure that any underground elements are being built according to the approved plans and provide regular staff feedback and assistance. All in the hopes of a properly designed site at signature request time. The final signature process involves the same departments that reviewed the project from its initial stages,

typically this includes planning, engineering, sanitation, and building. This means that the staff providing the final implementation inspection is the same staff that reviewed and approved the project, meaning they are very knowledgeable of the project and its requirements. The City's interdepartmental cooperation is instrumental in making this process effective and efficient. Problems are viewed and solved jointly and comprehensively.

2.3.3.6 Annual Treatment Control BMP Operation and Maintenance Verification and Inspection

As required by the new Permit, all treatment control BMPs installed at development projects must be inspected annually and maintained in perpetuity by the responsible party. As part of the JURMP update, the City established a Treatment Control BMP tracking program. Because implementation of the City's JURMP did not begin until January 2008, this reporting period is the second year the tracking system has been used. Annual inspections took place by City staff during this reporting period of all permanent BMPs that have been in operation for at least one full year and rainy season. Again, due to the small size of the City and the currently small number of permanent BMPs, the City was able to inspect all of the BMPs meeting the one full year of operation criteria. As stated before, should that number increase drastically, the City will then begin to use the priority ratings established in the JURMP. A listing of the BMPs inspected during this reporting period can be found in Appendix H5. The City is currently working to implement the annual verification letter requirement. As this is a new and additional requirement for businesses, there have been some initial delays in receipt of these letters and receipt of incomplete information. However, the City is working with the businesses to obtain all the required information in a more timely manner. The City is working to integrate the letter process into its annual commercial and industrial inspection program to solve the previously mentioned difficulties. This information is tracked in the same database that tracks BMP location and inspection results. The City has mailed a notification letter to all those owners/operators that will be required to provide annual BMP verification letters to the City. These letters must be submitted prior to the start of each year's rainy season.

In the first year of implementation, the City anticipates a significant amount of information gathering and validation. Through initial contacts with responsible parties, the City will refine its inventories as well as methodologies to effectively assure proper maintenance and management of permanent BMPs.

2.3.3.7 Enforcement Measures for Development Sites

Since the City's Treatment Control BMP Operation and Maintenance Verification and Inspection Programs did not commence until FY 2007-08 and prior to that the City had a very small inventory of operational treatment BMPs, no enforcement action was required. Verifications and inspections will be completed

as required prior to the rainy season of each reporting period and any subsequent enforcement action will be tracked and reported in the next annual report.

The City will use a variety of escalating enforcement methods to implement storm water requirements for all development projects within the City's jurisdiction. This process is standard for any code violation does not threaten the public's health or immediate safety. Most issues are handled informally with a verbal warning and follow up inspection. These are not always tracked, as this is considered the informal part of the compliance process. The City believes it is important to provide the owner/operator a chance to correct a violation prior to beginning a retribution process. However, if a verbal warning is insufficient, formal proceedings begin with a written notification sent certified mail to verify receipt and detailing the time of the next inspection. The City is flexible on the compliance time frame depending on the severity of the work required for compliance. If a swale needs to be mowed, the City would allow seven days for compliance. However, if a private channel needs concrete work, the City is apt to allow 30 days for compliance as this requires significantly more labor, equipment and cost. Subsequent inspections verify compliance and if continued non-compliance is found; notices of violation, monetary fines, property liens, withheld permits, and small claims court are all viable follow-up actions based on length and severity of non-compliance. A detailed description of the Code Enforcement process is available in the City's JURMP document or through the City's Municipal Code which can be found on-line at www.ci.lemon-grove.ca.us.

2.3.3.8 Notable Activities

Several notable activities were conducted as part of the Development Planning Component during the last several reporting periods. Notable activities included:

- Comprehensive review and update of the City's JURMP
- Comprehensive review and update of the City's Municipal Code
- Comprehensive review, update, and adoption of the regional Model SUSMP
- Development and Implementation of the BMP Verification and Inspection tracking database
- Comprehensive review and revamp of the annual report based on Regional Board feedback
- Continued education of project developers
- Revision of checklists provided to developers to reflect new standards and language

The City will continue to develop and amend its water quality development processes to meet new requirements and demands based on water quality results and improvements in technology. Future annual reports will detail these changes as they take place.